

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-11679
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
July 22, 2005
THOMAS K. KAHN
CLERK

D. C. Docket No. 03-00408-CV-CAR-5

COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY,

Plaintiff-Appellant,

versus

ROBERT MATHIS, MARY MATHIS, as Natural Guardians
and Parents of Robert Martin John Mathis,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Georgia

(July 22, 2005)

Before CARNES, MARCUS and COX, Circuit Judges.

PER CURIAM:

Companion Property and Casualty Insurance Company (“Companion”) filed
this declaratory judgment action seeking a determination that it had no obligation,

under policies issued by it, to defend or indemnify Richard Douglass and Friends of Douglass Theatre Complex, Inc. on claims asserted against them by Robert Martin John Mathis and his parents. The district court found that Companion was obligated to defend and indemnify Friends of the Douglass Theatre Complex, Inc., but was not obligated to defend or indemnify Richard Douglass individually. Companion appeals, contending that the district court erred in concluding that it was obligated to defend and indemnify Friends of the Douglass Theatre Complex, Inc.

Having considered the briefs, and relevant parts of the record, we conclude that the district court erred in concluding that Companion was obligated to defend and indemnify Friends of the Douglass Theatre Complex, Inc. For the reasons set forth in *SCI Liquidating Corp. v. Hartford Fire Ins. Co.*, 181 F.3d 1210, 1213-17 (11th Cir. 1999), we agree with Companion that the intentional conduct alleged in the underlying action does not fall within the definition of an “occurrence” as defined in the relevant insurance policies.

The judgment of the district court declaring that Companion is not obligated to defend and indemnify Douglass on these claims is affirmed; and, the judgment of the district court declaring that Companion is obligated to defend and indemnify Friends of Douglass Theatre Complex, Inc. is reversed.

AFFIRMED IN PART; REVERSED IN PART.